

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF KENTUCKY POWER)	
COMPANY FOR APPROVAL OF ITS 2011)	
ENVIRONMENTAL COMPLIANCE PLAN, FOR)	
APPROVAL OF ITS AMENDED)	
ENVIRONMENTAL COST RECOVERY)	CASE NO.
SURCHARGE TARIFF, AND FOR THE GRANT)	2011-00401
OF A CERTIFICATE OF PUBLIC)	
CONVENIENCE AND NECESSITY FOR THE)	
CONSTRUCTION AND ACQUISITION OF)	
RELATED FACILITIES)	

O R D E R

On February 17, 2012, Tom Vierheller, Beverly May, and Sierra Club (collectively "Sierra Club") filed a motion requesting the Commission to compel Kentucky Power Company ("Kentucky Power") to disclose certain documents in response to Sierra Club's initial data requests. In its motion, Sierra Club states that on January 27, 2012, Kentucky Power served responses to Sierra Club's initial data requests. The motion further states that Sierra Club requested, but was not provided, information regarding key assumptions and analyses used by Kentucky Power to support its application, such as Strategist input and output files for each alternative option evaluated, Aurora modeling files, and certain information related to Kentucky Power's parent company, American Electric Power.

On February 22, 2012, Kentucky Power filed its response in opposition to the Sierra Club's motion to compel, requesting that the motion be denied. Kentucky Power

states that its personnel have worked with the Sierra Club and Ventyx, the licensor of the Strategist model, to assist Sierra Club in obtaining access to protected files. Kentucky Power states that it has worked diligently to respond to Sierra Club's data requests, that "much, if not all, of the information . . . was in fact produced, or is now available,"¹ that Kentucky Power is producing additional information in a live format,² and that it is willing to make available a knowledgeable representative for the limited purposes of assisting Sierra Club in initially executing Strategist.

On February 24, 2012, Sierra Club filed a motion for an extension of time to file direct testimony, and in that motion it outlined various communications with Kentucky Power concerning the requested information. On February 29, 2012, Kentucky Power filed its response to that motion and included a discussion of the additional information that had been provided to Sierra Club.

Based on the evidence in the record and being otherwise sufficiently advised, the Commission finds that the information that has now been provided by Kentucky Power to Sierra Club is responsive to its initial data request and the motion to compel should be denied as moot.

IT IS THEREFORE ORDERED that the Sierra Club's motion to compel is denied as moot.

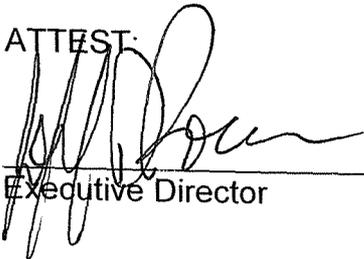
¹ Kentucky Power Company's Response To The Motion By Tom Vierheller, Beverly May, And The Sierra Club To Compel Disclosure, filed February 22, 2012, page 2.

² *Id.*

By the Commission

ENTERED 
APR 24 2012
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:



Executive Director

Case No. 2011-00401

Honorable Joe F Childers
Attorney at Law
201 West Short Street
Suite 310
Lexington, KENTUCKY 40507

Shannon Fisk
Senior Attorney
Natural Resources Defense Council
2 N. Riverside Plaza, Suite 2250
Chicago, ILLINOIS 60660

Jennifer B Hans
Assistant Attorney General's Office
1024 Capital Center Drive, Ste 200
Frankfort, KENTUCKY 40601-8204

Kristin Henry
Staff Attorney
Sierra Club
85 Second Street
San Francisco, CALIFORNIA 94105

Honorable Michael L Kurtz
Attorney at Law
Boehm, Kurtz & Lowry
36 East Seventh Street
Suite 1510
Cincinnati, OHIO 45202

Honorable Mark R Overstreet
Attorney at Law
Stites & Harbison
421 West Main Street
P. O. Box 634
Frankfort, KENTUCKY 40602-0634